

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN**FILED - GR**August 10, 2023 11:35 AM
CLERK OF COURT
U.S. DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
BY: KB SCANNED BY: KB / 8/10James Marcus Duff III MDOC # 870201

(Enter above the full name of the plaintiff(s), including prisoner number, in this action. If you cannot list all plaintiffs in the space provided, please write "see attached" and list all names on an additional page.)

v.

C/O C. Lapensie, P.C.D. Plum, Rum T. Corey-SpikerC/O (T. Jefferys, ADWJ-Clark, C/O OTTO, SGT M.Jagers, C/O Casey, SGT Hansen

(Enter above the full name of the defendant(s) in this action. If you cannot list all defendants in the space provided, please write "see attached" and list all names on an additional page.)

COMPLAINT

(Print Clearly)

I. Previous Lawsuits**CAUTION:** The Prison Litigation Reform Act has resulted in substantial changes in the ability of incarcerated individuals to initiate lawsuits in federal courts without prepayment of the civil action filing fee. Accurate and complete responses are required concerning your litigation history. Generally, a plaintiff's failure to accurately and completely answer the questions set forth below will result in denial of the privilege of proceeding *in forma pauperis* and require you to pay the entire \$402.00 filing fee regardless of whether your complaint is dismissed.

- A. Have you ever filed a lawsuit while incarcerated or detained in any prison or jail facility? Yes ☐ No ☒
- B. If your answer to question A was yes, for each lawsuit you have filed you must answer questions 1 through 5 below. Attach additional sheets as necessary to answer questions 1 through 5 below with regard to each lawsuit.
1. Identify the court in which the lawsuit was filed. If it was a state court, identify the county in which the suit was filed. If the lawsuit was filed in federal court, identify the district within which the lawsuit was filed.

2. Is the action still pending? Yes ☐ No ☒

a. If your answer was no, state precisely how the action was resolved: _____

3. Did you appeal the decision? Yes ☐ No ☒

4. Is the appeal still pending? Yes ☐ No ☒

a. If not pending, what was the decision on appeal? _____

5. Was the previous lawsuit based upon the same or similar facts asserted in this lawsuit? Yes ☐ No ☒

a. If so, explain: _____

II. Parties**A. Plaintiff(s)**

Enter your name, place of confinement, address, and place of confinement during the events described in the complaint in the blanks below. Provide the same information for any additional plaintiffs. Attach extra sheets as necessary.

Name of Plaintiff James Marcus Duff III MDOC # 870201

Place of Present Confinement WCF Chippewa Correctional Facility

Address 4269 W-M80 Kincheloe MI 49784

Place of Confinement During Events Described in Complaint _____

B. Defendant(s)

Complete the information requested below for each defendant in this action, including whether you are suing each defendant in an official and/or personal capacity. Provide the same information for each additional defendant. If there are more than six defendants attach extra sheets as necessary.

Name of Defendant #1 C. Laponie

Position or Title Correctional officer

Place of Employment Michigan department of corrections

Address 4269 W-M80 Kincheloe MI 49784

Official and/or personal capacity? _____

Name of Defendant #2 D. Plum

Position or Title Prison counselor

Place of Employment Michigan department of corrections

Address 4269 W-M80 Kincheloe MI 49784

Official and/or personal capacity? _____

Name of Defendant #3 T. Corey-Spiker

Position or Title Room (Residential Unit Manager)

Place of Employment Michigan department of corrections

Address 4269 W-M80 Kincheloe MI 49784

Official and/or personal capacity? _____

Name of Defendant #4 LT. Jefferys

Position or Title Correctional officer

Place of Employment Michigan department of corrections

Address 4269 W-M80 Kincheloe MI 49784

Official and/or personal capacity? _____

Name of Defendant #5 J. Clark

Position or Title Assistant Deputy Warden

Place of Employment Michigan department of corrections

Address 4269 W-M80 Kincheloe MI 49784

Official and/or personal capacity? _____

III. Statement of Claim

State here the **facts** of your case. Describe how each defendant is personally involved. Include also the names of other persons involved, dates and places. **Do not give any legal arguments or cite any cases or statutes.** If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. **Do not include unrelated claims.** Use as much space as you need. Attach extra sheets if necessary.

ON 5/27/23 and again on every Sunday and Saturday that Followed for no less than
 month I was refused Clean up on Sundays and was Refused Supplies Such as grievances,
 Toothpaste, Toothbrush, Soap, all because I was a Sleep and am hearing Impaired
 I have State I Suffered hearing aids and Staff have been aware of my disability since
 I arrived at Chippewa Correctional Facility on March 9th 2023 ON 5/28/23 I
 talked to C/O's GTT, C/O Casey, Second Shift Dining officer and C/O Lapowski
 C. and told them that I never received my Supplies or Clean up to Clean my Cell
 they all stated to me that Clean up and Supplies had been passed out and that I should
 have been awake ON 5/29/23 I again told ADW J. Clark in kites SG+M. J. GRS,
 SGT Hansen and P.C Plum and Rum T. Corey-Spiker and they told me to file a grie-
 vance which I did and took to Step three and my Step three was denied on July
 24 2023 The actions by the staff at Chippewa Correctional Facility has caused
 severe mental distress

IV. Relief

State briefly and precisely what you want the court to do for you.

I am asking for all parties mentioned in this complaint to be relieved of duty and Employment of MDOC as well as \$10,000 dollars for the mistreatment of a Hearing Impaired prisoner and \$100,000 dollars for discriminatory actions taken by Administration at Chippewa Correctional facility as well as \$30,000 dollars for Pain and Suffering caused by the mental health effects of being mistreated, by Staff and additional \$100,000 dollars for deliberate Indifference in total I am asking the Court to award me \$240,000 two hundred and Forty thousand dollars and the Jobs of all Party Included.

V. Notice to Plaintiff Regarding Consent

In accordance with the provisions of 28 U.S.C. § 636(c) and Federal Rule of Civil Procedure 73, you are hereby notified that the United States magistrate judges of this district court may, upon your consent, conduct any or all proceedings in this case, including a jury trial and entry of a final judgment. If you consent, any appeal from a judgment entered by a magistrate judge shall be taken directly to the United States Court of Appeals for this judicial circuit in the same manner as an appeal from any other judgment of a district court.

Magistrate judges have greater flexibility in their schedules than district judges, who have heavy criminal caseloads that take priority over civil trials. Accordingly, the magistrate judges are generally able to schedule prisoner civil rights cases for jury trial much sooner, and they are able to provide firm trial dates. Magistrate judges are experienced trial judges who handle a great number of prisoner civil rights cases.

Your decision to consent to the dispositive jurisdiction of a United States magistrate is entirely voluntary. If you do not consent to a magistrate judge, the case will be randomly assigned to a district judge. The magistrate judge already assigned to this case would continue to decide all pretrial matters and would handle all dispositive motions by report and recommendation.


Please check **ONE** box below to indicate whether you voluntarily consent to proceed with a United States magistrate judge or if you would instead prefer that the case be assigned to a district judge.

☒ I hereby voluntarily consent to the United States magistrate judge conducting all proceedings in this case, including entry of a final judgment and all post-judgment matters.

☐ I request that this case be assigned to a district judge.

7/24/23

Date


Signature of Plaintiff

NOTICE TO PLAINTIFF(S)

The failure of a *pro se* litigant to keep the court apprised of an address change may be considered cause for dismissal.

James Duff

#870201

Chippewa Correctional Facility

4269 WM80 Kitcheloe, MI 49784

U.S. District Court
399 Federal Building
110 Michigan ST, NW
Grand Rapids, MI 49503



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